



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: September 4, 2012

Reference Name	NCCU UC-2 (A1200003)		Jurisdiction	City
Applicant	City of Durham			
Request Change in Comprehensive Plan Designation	From:	Medium Density Residential (6-12 DU/Ac.)		
	To:	Institutional		
Site Characteristics	Tier:	Urban		
	Present Uses:	Institutional, Vacant		
	Present Zoning:	Residential Urban (RU-5 and RU-5(2))		
	Overlays:	Fayetteville Street Local Historic District (partial)		
	Size:	9.28 acres, 20 parcels		
Locations	Northwest corner of Fayetteville Street and East Lawson Street; portion of 600 block of East Lawson Street; portion of 600 block of Dupree Street; block bounded by Cecil Street, NC 55 Highway, Burlington Avenue, and Lincoln Street; northwest corner of Lincoln Street and Martha Street; northeast corner of Fayetteville Street and Cecil Street, portion of 400 block of Pekoe Avenue			
PIN(s)	See Attachment 1			
Recommendations	Staff	Approval, based on the justification, the request meeting the four criteria for plan amendments and on policy direction from the adopted <i>Fayetteville Street-University Land Use Update</i> .		
	Planning Commission	Approval, on a 12-0 vote at its May 15, 2012 meeting.		

A. Summary

The *Fayetteville Street-University Land Use Update* (the Plan) was adopted by the Durham City Council by a unanimous vote on September 19, 2011. The Plan recommended the creation of the University and College-2 (UC-2) zoning district that would be applied to the campus of North Carolina Central University (NCCU). The proposed City-initiated Plan Amendments would change the Future Land Use Map designations from Medium Density Residential (6-12 DU/Ac.) to Institutional for NCCU owned property acquired prior to January 1, 2010 which is not already

designated Institutional. Institutional is the only future land use category that will be compatible with the UC-2 zoning district, once adopted. A total of 20 parcels are included in the request, amounting to approximately 9.28 acres.

## **B. Project Background**

This amendment to the Future Land Use Map and the associated City-initiated zoning map change request to UC-2 (Z1200003) are recommended as part of the Plan and is the result of several years of research and public outreach, beginning in 2007. The Plan was unanimously adopted by the City Council on September 19, 2011.

## **C. Applicant's Plan Amendment Justification**

The Plan articulates a vision for land use policy and regulation that guides growth in a way that is consistent with the character of the Fayetteville Street Historic District, sensitive to surrounding neighborhoods and businesses, and mindful to the need for North Carolina Central University (NCCU) to improve and expand campus facilities. Policy guidance from the Plan states that the entire existing university campus be considered Institutional regarding current and future uses in order to allow for the application of a new zoning district, UC-2. The current designation, Medium Density Residential (6-12 DU/Ac.), is not an appropriate Future Land Use Map designation for a university campus.

## **D. Criteria for Plan Amendments**

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

## 1. Plan Consistency

The Plan recommends that a new Institutional zoning district, UC-2, be applied to the existing NCCU campus. In order to implement this recommendation, a plan amendment from Medium Density Residential (6-12 DU/Ac.) to Institutional is necessary, per paragraph 3.5.4A of the Unified Development Ordinance, which requires that all zoning applications be consistent with the Future Land Use Map designation. Portions of the existing campus are designated Medium Density Residential (6-12 DU/Ac.) even though they are either currently being used as an institutional use or are already under control of NCCU and are vacant and planned to be utilized as institutional in the future.

**Staff Conclusion:** The request is consistent with the intent of the goals, objectives, policies, guiding principles and programs of adopted plans and, therefore, meets criterion 3.4.7.A.

## 2. Compatibility

As stated above, all of the parcels associated with this request are currently being utilized as an institutional use, or are already under control of NCCU and are vacant and planned to be utilized as institutional in the future, per the North Carolina Central University Campus Master Plan. NCCU is surrounded primarily by medium density residential neighborhoods. The proposed UC-2 zoning district will create the necessary regulations to provide a proper transition from the institutional uses on the University campus and the surrounding neighborhoods, such as stricter height maximums and design requirements on edge of campus.

**Staff Conclusion:** The recommended plan amendment is compatible with the existing land use pattern and designated future land uses in the area. Therefore, the proposed plan amendment meets criterion 3.4.7.B.

## 3. Adverse Impacts

The proposed plan amendment has been recommended to allow for the application of the UC-2 zoning district which will mitigate potential adverse impacts to the surrounding neighborhoods through stricter height maximums and design requirements on edge of campus. There are no conditions from this plan amendment that would create additional demands on public infrastructure, services, or the environment.

**Staff Conclusion:** The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

#### **4. Adequate Shape and Size**

The size and shape of the proposed Plan Amendment is appropriate to support development consistent with ordinance requirements.

**Staff Conclusion:** The sites are of adequate shape and size to accommodate the uses pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

#### **E. Notification**

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- TTA Station Sites
- Partners Against Crime - District 4
- Fayetteville Street Planning Group
- C.C. Spaulding Neighborhood Watch Association
- Friends of Durham
- Unity in the Community for Progress

#### **F. Recommendations**

Staff recommends approval, based on the justification, the request meeting the four criteria for plan amendments, and the policy direction of the adopted *Fayetteville Street-University Land Use Update*. The Planning Commission recommended approval on a 12-0 vote at its May 15, 2012 meeting.

#### **G. Staff Contact**

Aaron Cain, Planning Supervisor, 560-4137 x28226, aaron.cain@durhamnc.gov

#### **H. Attachments**

Attachment 1, Plan Amendment Property Information  
Attachment 2, Aerial Photograph  
Attachment 3, Context Map  
Attachment 4, Applicant Justification Statement  
Attachment 5, Planning Commission Written Comments  
Attachment 6, Resolution